

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HALIOTIS INVESTMENTS S.A.

Plaintiff,

v.

ARCH HILL N.V., LITHIUM TECHNOLOGY  
CORP., HENDRIKUS HAROLD van ANDEL

Defendants.

C.A. No. 1:06-cv-00679-\*\*\*

STIPULATION AND ORDER

WHEREAS, the parties to this action stipulated, and this Court ordered on September 5, 2007, that (i) Plaintiff shall have until October 5, 2007 to file a motion to substitute the proper party for the late Mr. van Andel and (ii) Defendants shall have until October 5, 2007 to respond to the complaint;

WHEREAS, this action has been settled in principle and counsel for the parties are in the process of memorializing the settlement terms in writing;

WHEREAS, the parties require additional time to memorialize the settlement terms in writing;

WHEREAS, the parties previously stipulated to an extension for their respective response through November 5, 2007;

NOW, THEREFORE, Plaintiff and Defendants hereby stipulate and agree, subject to the approval of the Court, as follows:

If a final settlement agreement is not executed by the parties beforehand, Defendants shall have until December 5, 2007 to respond to the complaint filed in the above-captioned action; and

If a final settlement agreement is not executed by the parties beforehand, Plaintiff shall have until December 5, 2007 to file a motion to substitute the proper party for the late Mr. van Andel.

<u>/s/ Matthew F. Davis</u> J. Travis Laster (#3514) Matthew F. Davis (#4696) Abrams & Laster LLP Brandywine Plaza West 1521 Concord Pike, Suite 303 Wilmington, Delaware 19803 (302) 778-1000  <i>Attorneys for Plaintiff</i>	<u>/s/ Christopher A. Selzer</u> Christopher A. Selzer (#4305) McCarter & English LLP Citizens Bank Building 919 N. Market Street, 18th Floor Wilmington, Delaware 19801 (302) 984-6300  <i>Attorneys for the late Hendrikus Harold van Andel, Lithium Technology Corp., and Arch Hill N.V.</i>
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Dated: November 5, 2007

SO ORDERED this \_\_\_\_ day of November, 2007

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Magistrate Judge Mary Pat Thyng



November 5, 2007

VIA HAND DELIVERY AND E-FILING

Magistrate Judge Mary Pat Thyng  
U.S. District Court for the District of Delaware  
844 North King Street, Room 4209  
Lock Box 18  
Wilmington, DE 19801

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**RE: Haliotis Investments S.A., v. Arch Hill Capital N.V., Lithium  
Technology Corp., Hendrikus Harold Van Andel, C.A. No. 06-679**

Dear Magistrate Judge Thyng:

I write on behalf of all parties in the above-captioned matter to provide the Court with a brief update regarding settlement and the anticipated time that this matter will be resolved in the Court. As previously reported, the matter has been settled in principle and counsel for the parties are in the process of documenting that settlement. However, this resolution requires the parties to document the settlement of a multinational financial dispute which was complicated by the recent sudden death of a controlling foreign principal and the attendant complication associated with that principal's estate in Europe. The parties are laboring to bring this matter to a close expeditiously and require additional time to complete this task.

Presently, a stipulation between the parties requires Defendants to respond to Plaintiff's complaint, and that Plaintiff move to substitute the estate of defendant Hendrikus Harold Van Andel, by no later than November 5, 2007. The parties respectfully request that Your Honor grant the enclosed stipulation and order which provides the parties an additional month to finalize settlement and thereafter dismiss this action.

We will continue to keep the Court apprised of the status of settlement. The parties are available at the Court's request to answer any questions Your Honor may have.

Respectfully,

A handwritten signature in black ink, appearing to be "Chris Selzer", written over a horizontal line.

Christopher A. Selzer  
(DE Bar ID # 4305)

cc: Matthew F. Davis, Esq. (via e-filing)

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